

**FILED**

JUL 15 1988

AMENDMENT TO STANDING ORDER CDIL-15,  
PLAN FOR PROMPT DISPOSITION OF CRIMINAL CASES

JOHN M. WATERS, Clerk  
U. S. DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS

On November 9, 1987, the U. S. District Court for the Central District of Illinois entered Standing Order CDIL-23 entitled Order on Implementation of Sentencing Guidelines. This order was enacted to govern sentencing proceedings under the Sentencing Reform Act of 1984 (Pub. L. 98-473, Title II, c.2, § 211-239). Standing Order CDIL-23 states in Paragraph 1: "The sentencing hearing in each criminal case shall be scheduled by the Court no earlier than seventy (70) days following the entry of a guilty plea or a verdict of guilty." The adoption of this minimum time frame was based upon the Court's development of procedures to be followed during the sentencing process and the determination of appropriate time frames for each of those procedures.

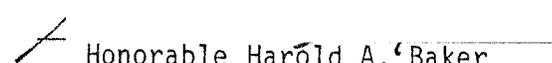
Therefore, the Court's Plan for Prompt Disposition of Criminal Cases, Page 17, Section II. 8 (a) is amended to read as follows:

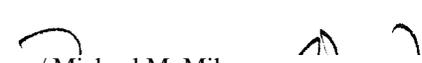
(a) Time Limit. A defendant shall ordinarily be sentenced within ninety (90) days of the date of his conviction or plea of guilty or nolo contendere.

This amendment shall be effective upon the approval of the Judicial Council of the Seventh Circuit.

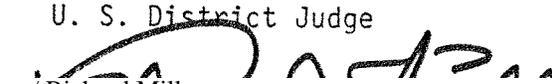
ENTERED this 17 20th day of May, 1988.

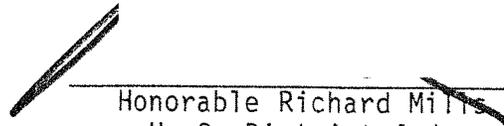
  
s/ Harold A. Baker

  
Honorable Harold A. Baker  
Chief U. S. District Judge

  
s/ Michael M. Mihm

  
Honorable Michael M. Mihm  
U. S. District Judge

  
s/ Richard Mills

  
Honorable Richard Mills  
U. S. District Judge

Plan for prompt  
disposition of  
criminal cases

Final plan pursuant to Speedy Trial  
Act of 1974 — 18 U.S.C. § 3165(e)(3)

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF ILLINOIS

FINAL PLAN AS APPROVED  
BY CIRCUIT COUNCIL JUNE 13, 1980.

s/ Robert Kauffman

~~ROBERT J. KAUFFMAN, CLERK~~

UNITED STATES DISTRICT COURT

PLAN FOR PROMPT DISPOSITION OF CRIMINAL CASES

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# Section I

Introductory Material

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF ILLINOIS

DISTRICT COURT PLAN  
FOR ACHIEVING PROMPT  
DISPOSITION OF CRIMINAL CASES  
(Effective July 1, 1980)

I. INTRODUCTORY MATERIAL

A. Adoption of Plan and Rules by the Court.

Pursuant to the requirements of the Speedy Trial Act of 1974 (18 U.S.C. § 3165(e) as amended) the judges of the United States District Court for the Central District of Illinois have adopted the following District Plan for the Disposition of Criminal Cases. Section II of this Plan also adopts certain time limits, procedures, and rules for the disposition of the criminal cases and juvenile proceedings pursuant to Rule 50(b) of the Federal Rules of Criminal Procedure, the Speedy Trial Act of 1974 (18 U.S.C. Chapter 208) and the Federal Juvenile Delinquency Act (18 U.S.C. §§ 5036, 5037).

B. The Planning Group.

This Plan has been adopted after consultation with the Speedy Trial Act Planning Group for the Central District of Illinois pursuant to 18 U.S.C. §§ 3165-3169.

The Planning Group consists of:

The Honorable Robert D. Morgan, Chief Judge of the Central District of Illinois and Chairman of the Planning Group.

The Honorable Bernard J. Ghiglieri, Jr., U.S. Magistrate of the Central District of Illinois.

Gerald D. Fines, United States Attorney for the Central District of Illinois.

Robert J. Kauffman, Clerk of the United States District Court for the Central District of Illinois.

Harry Marshall, U.S. Marshal for the District.

Glen Errion, Chief Probation Officer for the District.

David E. Booth, Federal Public Defender for the Central and Southern Districts of Illinois.

R. Michael Henderson, private attorney with substantial experience in civil litigation appointed pursuant to 18 U.S.C. § 3168(a) (as amended). •

Gary T. Rafool, a private attorney with substantial experience in the defense of criminal cases appointed pursuant to 18 U.S.C. § 3168(a) (as amended).

John E. Nowak, Professor, University of Illinois College of Law, appointed as Reporter for the group pursuant to 18 U.S.C. § 3168.

C. Availability of the Plan.

Copies of this Plan will be made available for inspection and copying at each office of the Clerk of the United States District Court for this District. Copies of Part II of this Plan wherein the Court adopts certain procedures for the disposition

of criminal cases shall be furnished to all interested persons by  
the Clerk of the Court.

## Section II

Statement of Time Limits Adopted by the  
Court and Procedures for Implementing  
Them

II. STATEMENT OF TIME LIMITS TO TAKE EFFECT JULY 1, 1980,  
AND PROCEDURES FOR IMPLEMENTING THEM

TIME LIMITS AND PROCEDURES FOR ACHIEVING  
PROMPT DISPOSITION OF CRIMINAL CASES

Effective July 1, 1980, the following shall constitute the Plan for achieving the prompt disposition of criminal cases in the Central District of Illinois including certain rules of procedure and discovery.

Pursuant to the requirements of Rule 50(b) of the Federal Rules of Criminal Procedure, the Speedy Trial Act of 1974 (18 U.S.C. Chapter 208), the Speedy Trial Act Amendments Act of 1979 (Pub. L. No. 96-43, 93 Stat. 327), and the Federal Juvenile Delinquency Act (18 U.S.C. §§ 5036, 5037), the judges of the United States District Court for the Central District of Illinois have adopted the following time limits and procedures to minimize undue delay and to further the prompt disposition of criminal cases and certain juvenile proceedings:

1. Applicability.

(a) Offenses. The time limits set forth herein are applicable to all criminal offenses triable in this court, including cases triable by United States Magistrates, except for petty offenses as defined in 18 U.S.C. § 1(3). Except as specifically provided, they are not applicable to proceedings under

the Federal Juvenile Delinquency Act.

(b) Persons. The time limits are applicable to persons accused who have not been indicted or informed against as well as those who have , and the word "defendant" includes such persons unless the context indicates otherwise.

2. Priorities in Scheduling Criminal Cases.

Preference shall be given to criminal proceedings as far as practicable as required by Rule 50(a) of the Federal Rules of Criminal Procedure. The trial of defendants in custody solely because they are awaiting trial and of high-risk defendants as defined in Section 5 should be given preference over other criminal cases.

3. Time Within Which an Indictment or Information Must be Filed.

(a) Time Limits. If an individual is arrested or served with a summons and the complaint charges an offense to be prosecuted in this District, any indictment or information subsequently filed in connection with such charge shall be filed within 30 days of arrest or service.

(b) Measurement of Time Periods. If a person has not been arrested or served with a summons on a Federal charge, an arrest will be deemed to have been made at such time as the person (i) is held in custody solely for the purpose of responding to a Federal charge; (ii) is delivered to the custody of a Federal official in connection with a Federal charge; or (iii) appears

before a judicial officer in connection with a Federal charge.

(c) Related Procedures.

(1) At the time of the earliest appearance before a judicial officer of a person who has been arrested for an offense not charged in an indictment or information, the judicial officer shall establish for the record the date on which the arrest took place.

(2) In the absence of a showing to the contrary, a summons shall be considered to have been served on the date of service shown on the return thereof.

4. Time Within Which Trial Must Commence.

(a) Time Limits. The trial of a defendant shall commence not later than 70 days after the last to occur of the following dates:

(1) The date on which an indictment or information is filed in this District;

(2) The date on which a sealed indictment or information is unsealed; or

(3) The date of the defendant's first appearance before a judicial officer of this District.

(b) Retrial; Trial After Reinstatement of an Indictment or Information. The retrial of a defendant shall commence within 70 days from the date the order occasioning the retrial becomes final, as shall the trial of a defendant upon an

indictment or information dismissed by a trial court and reinstated following an appeal. If the retrial or trial follows an appeal or collateral attack, the court may extend the period if unavailability of witnesses or other factors resulting from passage of time make trial within 70 days impractical. The extended period shall not exceed 180 days.

(c) Withdrawal of Plea. If a defendant enters a plea of guilty or nolo contendere to any or all charges in an indictment or information and is subsequently permitted to withdraw it, the time limit shall be determined for all counts as if the indictment or information were filed on the day the order permitting withdrawal of the plea became final.

(d) Superseding Charges. If, after an indictment or information has been filed, a complaint, indictment, or information is filed which charges the defendant with the same offense or with an offense required to be joined with that offense, the time limit applicable to the subsequent charge will be determined as follows:

(1) If the original indictment or information was dismissed on motion of the defendant before the filing of the subsequent charge, the time limit shall be determined without regard to the existence of the original charge.

(2) If the original indictment or information is

pending at the time the subsequent charge is filed, the trial shall commence within the time limit for commencement of trial on the original indictment or information.

(3) If the original indictment or information was dismissed on motion of the United States Attorney before the filing of the subsequent charge, the trial shall commence within the time limit for commencement of trial on the original indictment or information, but the period during which the defendant was not under charges shall be excluded from the computations. Such period is the period between the dismissal of the original indictment or information and the date the time would have commenced to run on the subsequent charge had there been no previous charge.

If the subsequent charge is contained in a complaint, the formal time limit within which an indictment or information must be obtained on the charge shall be determined without regard to the existence of the original indictment or information, but earlier action may in fact be required if the time limit for commencement of trial is to be satisfied.

(e) Measurement of Time Periods. For the purposes of this Section:

(1) If a defendant signs a written consent to be

tried before a magistrate and no indictment or information charging the offense has been filed, the time limit shall run from the date of such consent.

(2) In the event of a transfer to this District under Rule 20 of the Federal Rules of Criminal Procedure, the indictment or information shall be deemed filed in this District when the papers in the proceeding or certified copies thereof are received by the Clerk.

(3) A trial in a jury case shall be deemed to commence at the beginning of voir dire.

(4) A trial in a non-jury case shall be deemed to commence on the day the case is called, provided that some step in the trial procedure immediately follows.

(f) Related Procedures.

(1) At the time of the defendant's earliest appearance before a judicial officer of this District, the officer will take appropriate steps to assure that the defendant is represented by counsel and shall appoint counsel where appropriate under the Criminal Justice Act and Rule 44 of the Federal Rules of Criminal Procedure.

(2) The court shall have sole responsibility for setting cases for trial after consultation with

counsel. At the time of arraignment or as soon thereafter as is practicable, each case will be set for trial on a day certain or listed for trial on a weekly or other short-term calendar.

(3) Individual calendars shall be managed so that it will be reasonably anticipated that every criminal case set for trial will be reached during the week of original setting. A conflict in schedules of Assistant United States Attorneys or defense counsel will be ground for a continuance or delayed setting only if approved by the court and called to the court's attention at the earliest practicable time.

(4) In the event that a complaint, indictment, or information is filed against a defendant charged in a pending indictment or information or in an indictment or information dismissed on motion of the United States Attorney, the trial on the new charge shall commence within the time limit for commencement of trial on the original indictment or information unless the court finds that the new charge is not for the same offense charged in the original indictment or information or an offense required to be joined therewith.

(5) At the time of the filing of a complaint, indictment, or information described in paragraph (4),

the United States Attorney shall give written notice to the Court of that circumstance and of his position with respect to the computation of the time limits.

(6) All pretrial hearings shall be conducted as soon after the arraignment as possible, consistent with the priorities of other matters on the court's criminal docket.

(7) Motions, discovery, and inspection shall commence following arraignment in accordance with Section 12.

5. Defendants in Custody and High-Risk Defendants.

(a) Time Limits. Notwithstanding any longer time periods that may be permitted under Sections 3 and 4, the following time limits will also be applicable to defendants in custody and high-risk defendants as herein defined:

(1) The trial of a defendant held in custody solely for the purpose of trial on a Federal charge shall commence within 90 days following the beginning of continuous custody.

(2) The trial of a high-risk defendant shall commence within 90 days of the designation as high-risk.

(b) Definition of "High-Risk Defendant." A high-risk defendant is one reasonably designated by the United States Attorney as posing a danger to himself or any other person or to

the community.

(c) Measurement of Time Periods. For the purposes of this Section:

(1) A defendant is deemed to be in detention awaiting trial when he is arrested on a Federal charge or otherwise held for the purpose of responding to a Federal charge. Detention is deemed to be solely because the defendant is awaiting trial unless the person exercising custodial authority has an independent basis (not including a detainer) for continuing to hold the defendant.

(2) If a case is transferred pursuant to Rule 20 of the Federal Rules of Criminal Procedure and the defendant subsequently rejects disposition under Rule 20 or the court declines to accept the plea, a new period of continuous detention awaiting trial will begin at that time.

(3) A trial shall be deemed to commence as provided in Sections 4(e)(3) and 4(e)(4).

(d) Related Procedures.

(1) If a defendant is being held in custody solely for the purpose of awaiting trial, the United States Attorney shall advise the court at the earliest practicable time of the date of the beginning of such

ensuring.  
(2) The United States Attorney shall advise the court at the earliest practicable time (usually at the hearing with respect to bail) if the defendant is considered by him to be high-risk.

(3) If the court finds that the filing of a "high-risk" designation as a public record may result in prejudice to the defendant, it may order the designation sealed for such period as is necessary to protect the defendant's right to a fair trial, but not beyond the time that the court's judgment in the case becomes final. During the time the designation is under seal, it shall be made known to the defendant and his counsel but shall not be made known to other persons without the permission of the court.

6. Exclusion of Time From Computations.

(a) Applicability. In computing any time limit under Section 3, 4, or 5, the periods of delay set forth in 18 U.S.C. § 3161(h) shall be excluded. Such periods of delay shall not be excluded in computing the minimum period for commencement of trial under Section 7.

(b) Records of Excludable Time. The Clerk of the court shall enter on the docket, in the form prescribed by the Administrative Office of the United States Courts, information

with respect to the excludable periods of time for each criminal defendant. With respect to proceedings prior to the filing of an indictment or information, excludable time shall be reported to the Clerk by the United States Attorney.

(c) Pre-Indictment Procedures.

(1) In the event that the United States Attorney anticipates that an indictment or information will not be filed within the time limit set forth in Section 3, he may file a written motion with the court for a determination of excludable time. In the event that the United States Attorney seeks a continuance under 18 U.S.C. § 3161(h)(8), he shall file a written motion with the court requesting such a continuance.

(2) The motion of the United States Attorney shall state (i) the period of time proposed for exclusion, and (ii) the basis of the proposed exclusion. If the motion is for a continuance under 18 U.S.C. § 3161(h)(8), it shall also state whether or not the defendant is being held in custody on the basis of the complaint. In appropriate circumstances, the motion may include a request that some or all of the supporting material be considered ex parte and in camera.

(3) The court may grant a continuance under 18

U.S.C. § 3161(h)(8) for either a specific period of time or a period to be determined by reference to an event (such as recovery from illness) not within the control of the government. If the continuance is to a date not certain, the court shall require one or both parties to inform the court promptly when and if the circumstances that justify the continuance no longer exist. In addition, the court shall require one or both parties to file periodic reports bearing on the continued existence of such circumstances. The court shall determine the frequency of such reports in the light of the facts of the particular case.

(d) Post-Indictment Procedures.

(1) At each appearance of counsel before the court, counsel shall examine the Clerk's records of excludable time for completeness and accuracy and shall bring to the court's immediate attention any claim that the Clerk's record is in any way incorrect.

(2) In the event that the court continues a trial beyond the time limit set forth in Section 4 or 5, the court shall determine whether the limit may be recomputed by excluding time pursuant to 18 U.S.C. § 3161(h).

(3) If it is determined that a continuance is

justified, the court shall set forth its findings in the record, either orally or in writing. If the continuance is granted under 18 U.S.C. § 3161(h)(8), the court shall also set forth its reasons for finding that the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial. If the continuance is to a date not certain, the court shall require one or both parties to inform the court promptly when and if the circumstances that justify the continuance no longer exist. In addition, the court shall require one or both parties to file periodic reports bearing on the continued existence of such circumstances. The court shall determine the frequency of such reports in the light of the facts of the particular case.

7. Minimum Period for Defense Preparation.

Unless the defendant consents in writing to the contrary, the trial shall not commence earlier than 30 days from the date on which the indictment, information, or complaint is filed or, if later, from the date on which counsel first enters an appearance or on which the defendant expressly waives counsel and elects to proceed pro se. In circumstances in which the 70-day time limit for commencing trial on a charge in an indictment or information is determined by reference to an earlier indictment

or information pursuant to Section 4(d), the 30-day minimum period shall also be determined by reference to the earlier indictment or information. When prosecution is resumed on an original indictment or information following a mistrial, appeal, or withdrawal of a guilty plea, a new 30-day minimum period will not begin to run. The court will in all cases schedule trials so as to permit defense counsel adequate preparation time in the light of all the circumstances.

8. Time Within Which Defendant Should be Sentenced.

(a) Time Limit. A defendant shall ordinarily be sentenced within 45 days of the date of his conviction or plea of guilty or nolo contendere.

(b) Related Procedures. If the defendant and his counsel consent thereto, a presentence investigation may be commenced prior to a plea of guilty or nolo contendere or a conviction.

9. Juvenile Proceedings.

(a) Time Within Which Trial Must Commence. An alleged delinquent who is in detention pending trial shall be brought to trial within 30 days of the date on which such detention was begun, as provided in 18 U.S.C. § 5036.

(b) Time of Dispositional Hearing. If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than 20 court days after trial, unless the court

has ordered further study of the juvenile in accordance with 18 U.S.C. § 5037(c).

10. Sanctions.

(a) Dismissal or Release from Custody. Failure to comply with the requirements of Title I of the Speedy Trial Act may entitle the defendant to dismissal of the charges against him or to release from pretrial custody. Nothing in this Plan shall be construed to require that a case be dismissed or a defendant released from custody in circumstances in which such action would not be required by 18 U.S.C. §§ 3162 and 3164.

(b) High-Risk Defendants. A high-risk defendant whose trial has not commenced within the time limit set forth in 18 U.S.C. § 3164(b) shall, if the failure to commence trial was through no fault of the attorney for the government, have his release conditions automatically reviewed. A high-risk defendant who is found by the court to have intentionally delayed the trial of his case shall be subject to an order of the court modifying his nonfinancial conditions of release under Chapter 207 of Title 18 U.S.C., to ensure that he shall appear at trial as required.

(c) Discipline of Attorneys. In a case in which counsel (1) knowingly allows the case to be set for trial without disclosing the fact that a necessary witness would be unavailable for trial, (2) files a motion solely for the purpose of delay which he knows is frivolous and without merit, (3) makes a state-

ment for the purpose of obtaining a continuance which he knows to be false and which is material to the granting of the continuance, or (4) otherwise willfully fails to proceed to trial without justification consistent with 18 U.S.C. § 3161, the court may punish such counsel as provided in 18 U.S.C. §§ 3162(b) and (c).

(d) Alleged Juvenile Delinquents. An alleged delinquent in custody whose trial has not commenced within the time limit set forth in 18 U.S.C. § 5036 shall be entitled to dismissal of his case pursuant to that Section unless the Attorney General shows that the delay was consented to or caused by the juvenile or his counsel, or would be in the interest of justice in the particular case.

11. Persons Serving Terms of Imprisonment.

If the United States Attorney knows that a person charged with an offense is serving a term of imprisonment in any penal institution, he shall promptly seek to obtain the presence of the prisoner for trial, or cause a detainer to be filed, in accordance with the provisions of 18 U.S.C. § 3161(j).

12. Pretrial Motions, Discovery, and Inspection.

(a) Subject to the following provisions of this Section any and all pretrial motions may be filed after entry of a plea but must be filed within 20 days thereafter unless good cause for delay is shown in the motion.

(b) Except for good cause shown, the court may not extend the time for motions under Federal Rule of Criminal Procedure 12(b)(3) beyond 20 days after plea. Such motions will be ruled on promptly, so that the trial need not be delayed.

(c) Within five (5) days after arraignment, the United States Attorney and the defendant's attorney shall confer and, upon request, discovery and inspection shall be made by both parties in accordance with Federal Rule of Criminal Procedure 16.

(d) If in the judgment of the United States Attorney it would not be in the interests of justice to make any one or more disclosures set forth in paragraph (c) and requested by defendant's counsel, disclosure may be declined. A declination of any requested disclosure shall be in writing, directed to defendant's counsel, and signed personally by the United States Attorney or the Assistant United States Attorney handling the case, and shall specify the types of disclosures that are declined. If the defendant seeks to challenge the declination, he shall proceed pursuant to Subsection (e), below.

(e) Additional Discovery or Inspection. If additional discovery or inspection is sought, a defendant's attorney shall confer with the appropriate Assistant United States Attorney within ten (10) days of the arraignment, with a view to satisfying these requests in a cooperative atmosphere without recourse to the court. The request may be oral or written and

the United States Attorney shall respond in like manner.

(f) In the event defendant thereafter moves for additional discovery or inspection, his motion shall be filed within the time set by the court for the filing of pretrial motions. It shall contain:

(1) The statement that the conference prescribed in (e), above, was held;

(2) The date of said conference;

(3) The name of the Assistant United States Attorney with whom conference was held; and

(4) The statement that agreement could not be reached concerning the discovery or inspection that is the subject of defendant's motion.

(g) Any duty of disclosure and discovery set forth in this Plan is a continuing one and the United States Attorney shall produce any additional information gained by the government.

(h) Any disclosure granted by the government pursuant to this Plan of material within the purview of Rule 16, Federal Rules of Criminal Procedure, shall be considered as relief sought by the defendant and granted by the court.

13. Effective Dates.

(a) The amendments to the Speedy Trial Act made by Public Law 96-43 became effective August 2, 1979. To the extent

that this revision of the District's Plan does more than merely reflect the amendments, the revised Plan shall take effect upon approval of the reviewing panel designated in accordance with 18 U.S.C. § 3165(c). However, the dismissal sanction and the sanctions against attorneys authorized by 18 U.S.C. § 3162 and reflected in Sections 10(a) and (c) of this Plan shall apply only to defendants whose cases are commenced by arrest or summons on or after July 1, 1980, and to indictments and informations filed on or after that date.

(b) If a defendant was arrested or served with a summons before July 1, 1979, the time within which an information or indictment must be filed shall be determined under the Plan that was in effect at the time of such arrest or service.

(c) If a defendant was arraigned before August 2, 1979, the time within which the trial must commence shall be determined under the Plan that was in effect at the time of such arraignment.

(d) If a defendant was in custody on August 2, 1979, solely because he was awaiting trial, the 90-day period under Section 5 shall be computed from that date.

## Section III

Summary of Experience Under the Act  
Within the District

### III. SUMMARY OF EXPERIENCE UNDER THE ACT WITHIN THE DISTRICT.

#### A. Progress Towards Meeting the Permanent Time Limits.

It is very difficult to quantify the progress of this District toward meeting the permanent time limits set by the 1979 amendments to the Speedy Trial Act. The reason for this difficulty is the fact that the district courts of Illinois were reorganized effective March 31, 1979, by the Federal District Court Reorganization Act of 1978 (P.L. 95-408; October 2, 1978). In that reorganization this District, which had heretofore been titled the Southern District of Illinois, became the Central District of Illinois and a portion of the old Eastern District became the new Southern District of Illinois. The data for 1977 and 1978 were compiled and reported in terms of the old district boundaries and titles. Neither the Clerks of the District Courts nor the Administrative Office of the United States Courts has sufficient time or resources to resort the earlier data to reflect the experience of the individual courts in the new district. This fact is referred to in the Fifth Report on the Implementation of Title I of the Speedy Trial Act of 1974, published by the Administrative Office on February 29, 1980, (see the appendix, page A-1, of that publication). The statistics regarding the case processing experience of this District following April 1, 1979, include data from cases that were terminated in this District but which had been on the docket of the

District Court in Danville, Illinois, since the time when it was in the old Eastern District. This has made the evaluation of data quite difficult, but the Clerk of the Central District, Robert J. Kauffman, has compiled information on delays in each of the courts now in our District so that the Planning Group could make an accurate assessment of our progress toward meeting the new permanent time limits.

During the last six months of 1979 this District achieved total compliance with the permanent 30 day limit on the time from the arrest of a defendant to the filing of an indictment or information. In the first half of 1979 there was a significant percentage (38%) of the cases in which indictments were not filed within the 30 day period. However, the Planning Group has found that the delays in the early 1979 indictments resulted in part from the clearing of a temporary backlog of cases and problems encountered with the redistricting of the Illinois districts. Prior to 1979, the United States Attorney for this District had achieved compliance with the applicable time limit for indictments in approximately 90% of the cases. We expect no further problems with the United States Attorney being able to bring indictments within 30 "net" (nonexcludable) days from the arrest or service of summons upon a defendant.

The District had achieved almost perfect compliance with the previous 10 day time to arraignment limitation set by the Speedy

Trial Act. However, that time period limitation has now been eliminated by the 1979 amendments to the Act.

As amended, the Speedy Trial Act requires the commencement of trial, or other disposition of a case, within a period of 30 to 70 days from indictment or, if later, the defendant's first appearance before a judicial officer in the District. Because the Act previously set a 10 day limit for arraignment and a 60 day limitation from arraignment to trial, the data kept by the Clerk and reported by the Administrative Office prior to 1979 does not reflect precisely the District's compliance with the new 30-70 day limitation. While it has been difficult to evaluate this data, the Planning Group has determined that the Central District of Illinois, as it is now constituted, has made excellent progress towards meeting this "time to trial" standard. We are hopeful that the District will have total compliance with the Act following July 1, 1980 (the new effective date for the new time limit sanctions). In the three years prior to June 30, 1979, this District had achieved compliance with the interim and transitional limits on the time from arraignment to trial in 90% of its cases. During the first six months of 1979, however, 22% of the terminated cases were not brought to trial within 70 net days from indictment or first appearance. This reported delay in case processing was in part attributable to difficulties in administering the redistricting and cases that were transferred in

connection with the redistricting. In the last six months of 1979 all terminated cases complied with the 30-70 time to trial limitation.

B. Problems Encountered.

Following the redistricting referred to in Part A of this Section, this District had to integrate a new district court into its administrative structure and process a number of cases which had originated in the old Eastern District of Illinois. The Planning Group has found that the most serious problems caused by the redistricting have now been dealt with and the criminal docket seems to be progressing in a highly efficient manner.

C. Incidence of and Reasons for, Requests or Allowances of Extension of Time Beyond District Standards.

It is difficult to assess accurately the data on this subject for this District because of the redistricting and data evaluation problems referred to in Part A of this Section. In examining the reported incidence of delay we find that there has been very little exclusion of time in this District. This fact is referred to in the two versions of "Table 2" which are appended to this Plan. During the last six months of 1979 only one quarter of the defendants whose cases were terminated in this District had any reportable excludable time. In the previous twelve months only 36.9% of the defendants had excludable time reported in connection with their prosecutions. The Planning Group finds that there has been no unnecessary exclusion of time

in this District; most of the exclusions related to time when motions were heard or under consideration.

In one sense the low incidence of excludable time is laudable because it indicates that there has been little delay in the processing of cases in this District. However, this low incidence of excludable time may indicate that counsel for defendants, and the United States Attorneys office, have not fully reported to our Clerk all facts that might justify the notation of excludable time. A failure to report excludable time accurately to the Clerk may cause problems in the future (see Section D, below).

D. Cases Not in Compliance with the Limits--Reasons Why Exclusions Were Inadequate to Accommodate Periods of Delay.

As reported in the previous parts of this Section of our Plan, this District has achieved total compliance with the time limitation for the bringing of indictments or informations. In the last six months of 1979 the District also achieved total compliance with the 70 day limitation on the time for commencing trial (or otherwise disposing of a case) following a defendant's indictment or first appearance.

During the first six months of 1979 approximately 20% of the terminated cases took longer than 70 net days from indictment or first appearance to trial or another disposition of a case. In examining the data for the cases which exceeded the 70 day "time to trial" limitation during the first half of 1979 it appears

that a high percentage of the cases (7 of 13) originated in the Danville court; the initiation of those prosecutions predated the inclusion of that court in this district. Yet, it is difficult to determine the extent to which those cases are reflected in the data for the first six months of 1979 experience of this District. Most of the cases which took more than 70 days from indictment to trial involved multiple defendant litigation; several of the cases involved long periods of discovery and preparation in connection with charges of tax evasion or misappropriation of bank funds. The Planning Group believes that these "complex" cases may have involved more excludable time than was reported and that there may have been a failure on the part of counsel for the government and defendants to bring to the attention of the Clerk all facts that might have resulted in the notation of excludable time.

In the future it will be necessary for the office of the United States Attorney to work as closely as possible with the Clerk of the District Court to insure that all excludable time is reported and to bring to the attention of the court any need for a ruling on the existence of excludable time in a given case. Yet while we note this possible reporting problem, the Planning Group observes that any such problem appears to have been cured; the United States Attorney was in perfect compliance with the 30 day indictment-information time limit and that the court was able

to process all defendants within 70 days (from indictment or first appearance) during the last six months of 1979.

E. The Effect on Criminal Justice Administration of the Prevailing Time Limits.

As reported in our 1978 Plan, there has been no demonstrable effect of the Speedy Trial Act on the administration of criminal justice in this District. The Act has made the processing of cases somewhat more prompt than in previous years, but it has also made the scheduling of court time more difficult. There is no data to demonstrate that the system of criminal justice or any defendants have been helped or hurt by the existence of the Act and its time limits.

F. Effect of Compliance With the Time Limits on the Civil Calendar.

In two of the three district court locations in this District the Speedy Trial Act has had little effect on the processing of the civil calendar. The ratio of criminal to civil cases at our District Courts in Danville and Peoria is such that there is sufficient time to hear civil cases promptly while leaving time open for the processing of the criminal docket at those courts in compliance with the terms of the Speedy Trial Act. However, the District's highest number of civil cases are filed at our district court in Springfield and the Speedy Trial Act has impaired the ability of the District to process those cases. The reason for this is a simple one: civil cases are set

for trial at a time sufficient to allow for complete preparation by all parties and the appearance of all witnesses whereas criminal cases may be filed at a later time and require more immediate attention because they must be processed within the time limits set by the Speedy Trial Act. The requirements of the Act have resulted in our District Court in Springfield having to delay the previously arranged hearing of civil cases fairly frequently in order to hear criminal case motions or trials. The Planning Group notes, however, that the judges of this District have adjusted their calendars so that the overall processing of the civil docket has been efficient. But it is only the added effort of the judges which has mitigated the damage done to the efficient scheduling of civil cases by the Speedy Trial Act.

G. Frequency of Use of Sanctions Under 18 U.S.C. § 3164 (Release From Custody or Modification of Release Conditions).

It has not been necessary in this District to invoke the sanctions under the time limits of the Speedy Trial Act to date.

## Section IV

Changes in Practices and Procedures  
that Have Been or Will Be Adopted by  
the District Court to Expedite the Disposition  
of Criminal Cases in Accordance  
With 18 U.S.C. §3167(b)

IV. STATEMENT OF PROCEDURES AND INNOVATIONS THAT HAVE BEEN OR WILL BE ADOPTED BY THE DISTRICT COURT TO EXPEDITE THE DISPOSITION OF CRIMINAL CASES IN ACCORDANCE WITH THE SPEEDY TRIAL ACT.

A. Court Rules.

No changes in court rules have been adopted due to the Speedy Trial Act. However, it should be noted that the District has adopted open pretrial discovery and inspection rules which are designed to facilitate the processing of criminal cases; those rules are adopted in Section 11 of Part II of this Plan pursuant to Federal Rules of Criminal Procedure 16 and 50(b).

B. Case Reporting Systems-Office of the Clerk.

As noted in our 1976 and 1978 District Plans, the Clerk of the District Court has developed a case tracking and reporting system which has greatly facilitated the processing of cases. The Clerk's office has created a listing of criminal cases which has a single line for each case that shows the relevant dates and occurrences that establish the time limits for each phase of that case under the Speedy Trial Act. A separate list of cases is kept for each judge and place of court within the District; copies of the list are sent to each judge every few weeks. It has been over four years since the Clerk began this tracking system and every criminal case in the District pending in the District now appears on these report sheets. This tracking of criminal cases has significantly increased the work of the Clerk and his assistants, but it has proved to be a most efficient

method for assuring that cases are brought to trial within the applicable time limits.

## Section V

Additional Resources Needed, if any,  
to Achieve Compliance with the Act  
by July 1, 1979 (18 U.S.C. §3166(d))

V. STATEMENT OF ADDITIONAL RESOURCES NEEDED TO ACHIEVE COMPLIANCE WITH THE ACT.

A. Judgeships.

In our 1978-79 Plan we reported on legislation then pending in Congress concerning the authorization of an additional judgeship for the then Eastern and Southern Districts of Illinois. Since that time the Districts for the United States District Courts for Illinois have been redrawn so that this District, the Central District of Illinois, is now a three judge District. While the presence of a third judge in the District has promoted the efficient case processing, the redistricting brought a significant increase in civil and criminal dockets for this District. Because the redistricting went into effect only one year ago it is too soon to determine whether the Central District will need an additional judgeship to keep pace with its caseload.

B. Magistrates.

For slightly over two years our District has had a single full-time Magistrate, Charles H. Evans, whose work has proved invaluable in processing cases as well as trying cases within his jurisdiction. The District also has the services of four part-time magistrates. Authorization for, and appointment of an additional full-time magistrate probably would facilitate the processing of cases in this District. However, the Planning Group believes that the District needs more experience with the

processing of cases following the recent expansion of magistrate jurisdiction in order to accurately assess whether an additional full-time magistrate is needed in this District.

C. Office of the Clerk of the District Court.

In our 1978 Plan we reported that the Clerk would require an additional deputy clerk and increased stenographic assistance to assure compliance with the Speedy Trial Act. We renew that request. The intervening two years have demonstrated that the Act has put a severe strain on the Office of the Clerk. As reported in Part IV of this Plan, the Clerk of this District has created a case tracking and listing system which has greatly facilitated the processing of cases in compliance with the terms of the Speedy Trial Act. While the Clerk's office has been granted additional resources based on a case filing formula, the District still requires separate assistance for the Clerk to monitor and report the progress of cases in order to insure compliance with the permanent standards of the Speedy Trial Act.

D. "Supporting" Personnel.

The Planning Group does not have any specific recommendations concerning the needs of those agencies whose functioning is necessary to the processing of cases in the District even though they are not formally a part of the Court administrative structure. However, it must be noted that, with increased size of this District, the workload of the offices of the United

States Attorney, the Federal Public Defender (who serves both the Central and Southern Districts of Illinois), the Chief Probation Officer, and the United States Marshal has increased beyond that reflected merely by the number of cases now on the docket of this District. The Planning Group recommends that consideration be given to the awarding increased personnel to these agencies even though we have no specific recommendations on this subject at this time.

## Section VI

Recommendations for Changes in Statutes,  
Rules, or Administrative Procedures  
(18 U.S.C. §§3166(b)(7), (d)(e))

VI. RECOMMENDATIONS FOR CHANGES IN STATUTES, RULES, OR ADMINISTRATIVE PROCEDURES.

In the District Plan submitted to the Reviewing Panel and Administrative Office in 1978 the Planning Group of this District (then titled the Southern District of Illinois) made a number of recommendations for changes to the Speedy Trial Act. Since that time the Act has been amended and it now expressly deals with some of the concerns expressed by the Planning Group in 1978. Accordingly, the Planning Group, at this time, does not have any recommendations for changes to the Speedy Trial Act, other federal statutes, any of the Federal Rules, or reporting requirements, procedures and forms.

## Section VII

Incidence and Length of, Reasons for,  
and Remedies for Detention Prior to  
Trial (18 U.S.C. §3166(b)(6))

VII. INCIDENCE AND LENGTH OF, REASONS FOR, AND REMEDIES FOR  
DETENTION PRIOR TO TRIAL.

It is unusual for a defendant to remain in Federal custody solely for the purpose of appearing at trial in this District. In the last six months of 1979 less than half of the defendants in this District spent any time in Federal custody prior to trial. Only 14 defendants spent more than 30 days in such custody and none was in custody more than 90 "net" days prior to trial (see Table 3 appended to this Plan). The reason for such detention has been that these defendants were unable to post bail in the amount set to fairly insure their appearance at trial.

# Section VIII

Adoption; Effective Date

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Effective Date

VIII. ADOPTION; EFFECTIVE DATE.

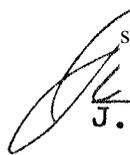
Pursuant to Rule 50(b) of the Federal Rules of Criminal Procedure, the Speedy Trial Act of 1974 (18 U.S.C. Chapter 208, as amended) and the Federal Juvenile Delinquency Act (18 U.S.C. §§ 5036, 5037) the foregoing is adopted as the District Court Plan for the disposition of criminal cases in the Central District of Illinois. This includes the adoption of certain rules and procedures for criminal cases contained in Part II of this Plan.

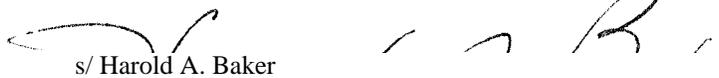
Upon approval of the reviewing panel designated in accordance with 18 U.S.C. § 3165(c) and Rule 50(b) of the Federal Rules of Criminal Procedure this Plan, and the time limits and procedures set forth herein, shall become effective on July 1, 1980, and shall supersede those previously in effect.

DATED: May 1, 1980

  
s/ Robert Morgan

ROBERT D. MORGAN, Chief Judge

  
s/ J. Waldo Ackerman  
J. WALDO ACKERMAN, District Judge

  
s/ Harold A. Baker

~~HAROLD A. BAKER, District Judge~~

SECTION IX

Statistical Tables

PROCESSING TIME

NO. OF  
DEFENDANTS  
TERMINATED

SUBDIVIDED  
BY WHEN  
INTERVAL  
BEGAN

INTERVAL  
ONE  
(ARREST  
TO  
INDICT-  
MENT)

NUMBER OF \*NET DAYS THAT ELAPSED TO INDICTMENT OR INFORMATION FROM ARREST OR SERVICE OF SUMMONS

HOW LONG IT TOOK TO BRING INDICTMENTS ON CRIMINAL DEFENDANTS #

SAME DAY	1 to 30 days	31 to 35 days	36 to 45 days	46 to 60 days	61 to 90 days	91 to 120 days	121 days & over
DEF'S REPORTED							
%	%	%	%	%	%	%	%
6	13	1	6	3	2	-	-
19.4	41.9	3.2	19.4	9.7	6.5	-	-
54.5	45.5	-	-	-	-	-	-

Before 1 July '79 31

On/After 1 July '79 11

SUBDIVIDED  
BY WHEN  
INTERVAL  
BEGAN

INTERVAL  
TWO  
(INDICT-  
MENT TO  
TRIAL)

Number of \*Net Days that Elapsed to Commencement of Trial (for other disposition) from Indictment or (if later) First Appearance

HOW LONG IT TOOK TO BRING CRIMINAL DEFENDANTS # TO TRIAL

SAME DAY	1 to 30 days	31 to 70 days	71 to 80 days	81 to 100 days	101 to 120 days	121 to 180 days	181 days & over
DEF'S REPORTED	DEF'S REPORTED	DEF'S REPORTED					
%	%	%	%	%	%	%	%
7	17	69	5	12	7	3	-
5.8	14.2	57.5	4.2	10.0	5.8	2.3	-
8.9	35.6	55.6	-	-	-	-	-

Before 1 July '79 120

On/After 1 July '79 45

FOR ALL  
PERSONS  
TERMINATED &  
SENTENCED  
DURING THE  
12 MOS. PERIOD

SENTENC-  
ING  
INTERVAL

HOW LONG IT TOOK TO SENTENCE CRIMINAL DEFENDANTS #

NUMBER OF DAYS TO SENTENCE DATE FROM DATE OF CONVICTION

SAME DAY	1 to 30		31 to 45		46 to 60		61 & over	
	No.	%	No.	%	No.	%	No.	%
34	12	8.3	73	50.3	21	14.5	5	3.4

DEFENDANTS WHOSE CASES WERE TERMINATED DURING THE PERIOD OF THIS ANALYSIS ARE NOT INCLUDED IN THIS ANALYSIS. ALSO, ALSO DO NOT INCLUDE

# INCIDENCE OF AND REASONS FOR DELAY

DISTRICT  
ILLINOIS, CENTRAL

REPORT PERIOD  
X 6 Months  
(July thru Dec '79)

TERMINATED DEFENDANTS REPORTED DURING PERIOD 85

DEFENDANTS WITHOUT EXCLUDABLE TIME 64

DEFENDANTS WITH EXCLUDABLE TIME 21

INCIDENTS OF EXCLUDABLE TIME 24

SUB-TOTALS OF "D" 24

OF "A" 85

OF "B" 64

OF "C" 21

OF "D" 24

CODE	# REASON Under 18 USC 3161	LENGTH OF EXCLUDABLE DELAY PERIOD (NO. OF DAYS)						121 + days	85 to 120	43 to 84	22 to 42	11 to 21	INTERVAL IN WHICH EXCLUDABLE DELAY OCCURRED***	
		0 to 10 days	11 to 21	22 to 42	43 to 84	85 to 120	121 + days						ONE	TWO
A	Examination or hearing for mental or physical incapacity—(h)(1)(A)	0	0	0	0	0	0	0	0	0	0	0	0	0
B	NARA examination—(h)(1)(B)	0	0	0	0	0	0	0	0	0	0	0	0	0
C	State or federal trials on other charges—(h)(1)(D)	0	0	0	0	0	0	0	0	0	0	0	0	0
D	Interlocutory appeals—(h)(1)(E)	0	0	0	0	0	0	0	0	0	0	0	0	0
E	Motions (from filing to hearing or prompt disposition)—(h)(1)(f)	12	1	0	1	0	0	0	0	0	0	0	0	0
F	Transfers from other districts (per FRCP rules 20, 21 & 40)—(h)(1)(G)	0	0	0	0	0	0	0	0	0	0	0	0	0
G	Motion is actually under advisement—(h)(1)(J)	0	0	1	0	0	0	0	0	0	0	0	0	0
H	Misc. proceedings: probation or parole revocation, deportation, extradition—(h)(1)	0	0	0	0	0	0	0	0	0	0	0	0	0
I	Transportation from another district or to/from examination or hospitalization in ten days or less—(h)(1)(H)	0	0	0	0	0	0	0	0	0	0	0	0	0
J	Consideration by court of proposed plea agreement—(h)(1)(I)	0	0	0	0	0	0	0	0	0	0	0	0	0
K	Prosecution deferred by mutual agreement—(h)(2)	0	0	0	0	0	0	0	0	0	0	0	0	0
L	Unavailability of defendant or essential witness—(h)(3)(A & B)	0	0	0	0	0	0	0	0	0	0	0	0	0
M	Period of mental or physical incompetence of defendant to stand trial—(h)(4)	0	0	0	0	0	0	0	0	0	0	0	0	0
N	Period of NARA commitment or treatment—(h)(1)(C) & (5)	0	0	0	0	0	0	0	0	0	0	0	0	0
O	Superseding indictment and/or new charges—(h)(6)	0	0	1	0	0	0	0	0	0	0	0	0	0
P	Defendant awaiting trial of co-defendant when no severance had been granted—(h)(7)	0	0	0	0	0	0	0	0	0	0	0	0	0
Q	T if more than one reason or none of reasons below given in support (A & B)	0	0	0	0	0	0	0	0	0	0	0	0	0
R	T1 Failure to continue would stop further proceedings or result in miscarriage (B)(i)	0	0	0	0	0	0	0	0	0	0	0	0	0
S	T2 Case unusual or complex (B)(ii)	0	0	0	0	0	0	0	0	0	0	0	0	0
T	T3 30 days (B)(iii)	0	0	0	0	0	0	0	0	0	0	0	0	0
U	T4 Continuance granted in order to obtain or substitute counsel, or give major time to prepare	0	0	0	0	0	0	0	0	0	0	0	0	0
V	Time up to withdrawal of guilty plea—3161(i)	0	0	0	0	0	0	0	0	0	0	0	0	0
W	Grand jury indictment time extended 30 more days—3161(b)	0	0	0	0	0	0	0	0	0	0	0	0	0
X	More than 1 exclusion with days aggregated	0	0	0	0	0	0	0	0	0	0	0	0	0
	TOTAL	12	1	2	2	5	2	5	2	24	24	0	0	24

\*An exclusion category newly created or modified by Aug. '79 amendment.  
 \*\*DEFENDANT FIGURES DO NOT INCLUDE: Juveniles, Appeals from US Magistrate decisions, Rule 20 transfers out of district, pretrial diversion dispositions, removals from State courts and any petty offenses proceeded

SPEEDY TRIAL DATA ANALYSIS

# INCIDENCE OF AND REASONS FOR DELAY

During July 1, 1978 thru June 30, 1979

TOTALS FOR ILLINOIS CENTRAL

176 (A) % OF "A" 4.8

111 (B) % OF "B" 63.1

65 (C) % OF "C" 36.9

83 (D) % OF "D" 100.0

\*\*TERMINATED DEFENDANTS REPORTED DURING PERIOD

DEFENDANTS WITHOUT EXCLUDABLE TIME

DEFENDANTS WITH EXCLUDABLE TIME

REASON	LENGTH OF EXCLUDABLE DELAY PERIOD (NO. OF DAYS)							SUB-TOTALS OF "D"	% OF "D"	INTERVAL IN WHICH EXCLUDABLE DELAY OCCURRED		
	1 to 10 days	11 to 21	22 to 42	43 to 84	85 to 120	121 + days	ONE			TWO	THREE	
Under 18 USC 3161	1	0	0	0	3	0	4	4.8	0	0	4	
A. Examination or hearing for mental or physical incapacity--(H)(1)(A)	0	0	0	0	0	0	0	0	0	0	0	
B. NARA examination--(H)(1)(B)	0	0	0	0	0	0	0	0	0	0	0	
C. State or federal trials on other charges--(H)(1)(C)	0	0	0	0	0	0	0	0	0	0	0	
D. Interlocutory appeals--(H)(1)(D)	0	0	0	0	0	0	0	0	0	0	0	
E. Hearings on pretrial motions--(H)(1)(E)	42	0	0	0	0	1	43	51.8	0	0	43	
F. Transfers from other districts (par FRCP rules 20, 21 & 40). (H)(1)(F)	0	0	0	0	0	0	0	0	0	0	0	
G. Motion is actually under advisement. (H)(1)(G)	9	5	9	0	0	0	23	27.7	0	3	20	
H. Misc. proceedings: probation or parole revocation, deportation, extradition. (H)(1)	0	1	0	0	0	0	1	1.2	0	0	1	
I. Prosecution deferred by mutual agreement. (H)(2)	0	0	0	0	0	0	0	0	0	0	0	
M. Unavailability (includes fugitive) of defendant or essential witness. (H)(3)(A)(B)	1	4	0	0	0	1	6	7.2	1	4	1	
N. Period of mental or physical incompetence of defendant to stand trial. (H)(4)	0	0	0	0	0	0	0	0	0	0	0	
O. Period of NARA commitment or treatment. (H)(5)	0	0	0	0	0	0	0	0	0	0	0	
P. Superseding indictment and/or new charges. (H)(6)	0	0	0	0	0	0	0	0	0	0	0	
R. Defendant awaiting trial of co-defendant when no severance has been granted. (H)(7)	1	0	0	0	0	0	1	1.2	0	0	1	
T. Continuances granted in the ends of justice. (H)(8)	0	1	3	1	0	0	5	6.0	0	0	5	
U. Time up to withdrawal of guilty plea (i)	0	0	0	0	0	0	0	0	0	0	0	
W. Grand jury indictment time extended 30 more days. (B)	0	0	0	0	0	0	0	0	0	0	0	
<b>TOTALS</b>	54	11	12	1	3	2	83	100.0	1	7	75	

\* Paragraph and subsection of 18 USC 3161. Sixty Trial Act of 1974, are shown with reason for delay below

\*\* DEFENDANT FIGURES DO NOT INCLUDE Juveniles, Arrivals from U.S. Magistrate courts, How 20 transfers out of district, pretrial diversion dispositions, removals from State courts and any petty offenses proceeded by informants.

\*\*\* Interval one Arrest to Indictment; Interval two Indictment to Arraignment; Interval three Arraignment to Trial

DISTRICT

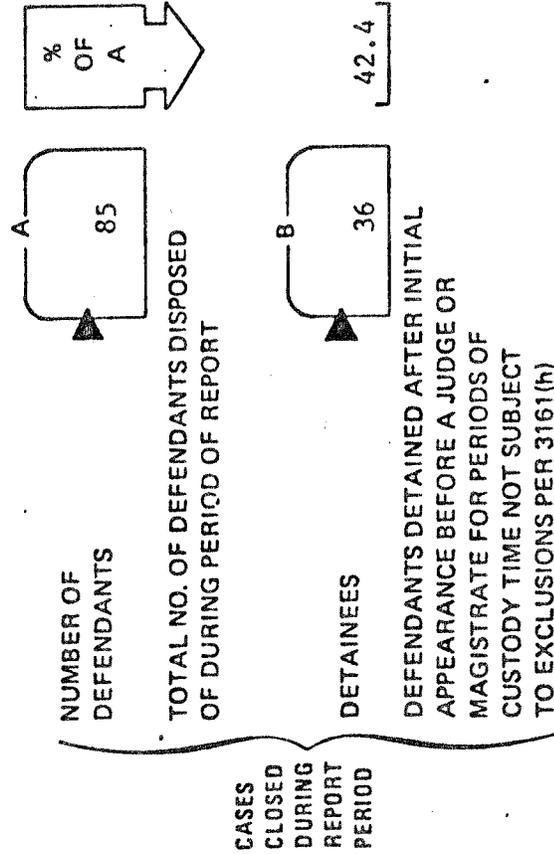
ILLINOIS, CENTRAL

SPEEDY TRIAL DATA ANALYSIS 3166(b)(6) & (c)(6)

# PRETRIAL DETENTION

TABLE  
3

REPORT PERIOD { 6 MONTHS - 1 JULY '79  
THRU 31 DECEMBER '79



DEFENDANTS GROUPED BY LENGTH OF NET\* TIME IN CONTINUOUS DETENTION STATUS

NUMBER OF DETAINEES		% OF BOX B			
		NUMBER OF NET DAYS			
1 to 10	11 to 30	31 to 90	91 to 120	121 to 150	151 Plus
19	3	14	0	0	0
52.8%		8.3%		38.9%	
		.0%		.0%	

\*"NET" IS GROSS TIME LESS EXCLUSIONS PER 3161(h). REPORT SHOULD INCLUDE ONLY DEFENDANTS HAVING NON-EXCLUDABLE ("NET") DETENTION TIME. WHEN DEFENDANT HAS MORE THAN ONE SUCH DETENTION PERIOD, INTERSPERSED WITH RELEASE TIME OR EXCLUDABLE TIME, DO NOT AGGREGATE THE SEPARATE DETENTION PERIODS. TAKE THE DEFENDANT'S LONGEST SINGLE PERIOD OF "NON EXCLUDABLE" DETENTION AS THE BASIS FOR DETERMINING WHICH ONE OF THE ABOVE COLUMNS TO PUT HIM IN.



DISTRICT

Central Illinois

REPORT COVERS 1-7-78 to 1-7-79  
PERIOD OF:

SPEEDY TRIAL DATA ANALYSIS - 3166(c)(2)(3) & (5)

TABLE  
5

NUMBER OF MATTERS PRESENTED TO U.S. ATTORNEY FOR PROSECUTION, AND THE NUMBER ON WHICH PROSECUTION WAS INITIATED

NAME OF AGENCY PRESENTING MATTER TO U.S. ATTORNEY FOR PROSECUTION	ON HAND & NEW		DECLINED				OTHER DISPOSITIONS <sup>3</sup>	NEW PROSECUTIONS INITIATED DURING PERIOD <sup>4</sup>	MATTERS ON HAND AT END OF PERIOD <sup>5</sup>	
	MATTERS <sup>1</sup> ON HAND AT START OF PERIOD <sup>1</sup>	MATTERS REC'D OR ORIGINATED BY U.S. ATTY DURING PERIOD	I.e. DETERMINATIONS THAT NEW PROSECUTIONS WOULD NOT BE INITIATED IN THIS DISTRICT <sup>1</sup>							
			(a)	(b)	(c)	(d)				(e)
County Auth. & FBI	33	21		22			5	12	2	13
FBI	115	152	5				51	19	122	65
DEA	17	17					4		29	1
ATF	19	11					7	3	8	12
POSTAL	33	23	1				18	4	18	12
SECRET SERVICE	10	41					6	7	30	6
IRS	33	23	2				10	2	24	18
USDA	1	7					5		2	1
FISH & WILDLIFE	9	15					8	6	6	4
INS	2	66	1				3	3	54	7
ALL OTHER	20	16	3				5		19	9
TOTALS	292	392	12	22	10	122	56	314	148	

<sup>1</sup>"MATTER" REFERS TO DEFENDANT MATTER - I.E. IF CLAIMED OFFENSE INVOLVES 2 DEFENDANTS COUNT IT AS 2 MATTERS  
<sup>2</sup>COL (F) INCLUDES MATTERS DECLINED FOR WANT OF PROSECUTIVE MERIT, LACK OF EVIDENCE, JURISDICTIONAL PROBLEMS, ETC.  
<sup>3</sup>COL (G) INCLUDES MATTERS DISMISSED BY MAGISTRATE, NOT ON INITIATIVE OF U.S. ATTY., AND MATTERS RESULTING IN NO TRUE BILL BY GRAND JURY  
<sup>4</sup>COL (H) INCLUDES INDICTMENTS AND INFORMATIONS FILED AND MATTERS ADJUDICATED BEFORE U.S. MAGISTRATE  
<sup>5</sup>COL (I) INCLUDES REFERRED MATTERS THAT ARE STILL PENDING BEFORE GRAND JURY, AND ALL OTHER MATTERS NOT YET DECLINED - PER COLS (C) THRU (F) - NOR FALLING WITHIN SCOPE OF COL (G) OR (H)

DISTRICT

ILLINOIS, CENTRAL\*

SPEEDY TRIAL DATA ANALYSIS 3167(b)(6)

STATUS OF CIVIL CALENDAR

TABLE  
6

REPORT PERIOD { COMPARISON OF TWO CALENDAR YEARS: 1 JAN THROUGH 31 DEC 1978, AND 1 JAN THROUGH 31 DEC 1979.

	NUMBER OF CIVIL CASES				PERCENTAGE INCREASE OR DECREASE
	PENDING AT START OF REPORT PERIOD	FILED DURING REPORT PERIOD	PENDING AT END OF REPORT PERIOD		
1978	(1) 799	(2) 815	(3) 950	(4) 18.9	
1979	698	900	710	1.7	

	LENGTH OF TIME CASES IN COLUMN 3 ABOVE HAVE BEEN PENDING					
	Under 3 Mos	3 to 6 Mos	6 to 12 Mos	12 to 18 Mos	18 to 24 Mos	24 Mos & Over
1978	168	167	233	136	89	157
1979	201	95	190	92	45	87

\*The difference between the number of cases pending between the end of 1978 and the beginning of 1979 is due to the distributions of civil cases upon the establishment of this court on April 1, 1979 by P. L. 95-409.

JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 SOUTH DEARBORN STREET  
CHICAGO, ILLINOIS 60604

COLLINS T. FITZPATRICK  
CIRCUIT EXECUTIVE  
PHONE (312) 435-5803

**FILED**

JUL 18 1988

July 15, 1988

JOHN M. WATERS, Clerk  
U. S. DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS

Mr. John M. Waters  
Clerk of District Court  
Central District of Illinois  
221 Federal Building  
600 E. Monroe, P.O. Box 315  
Springfield, Illinois 62705

Dear Mr. Waters:

The reviewing panel which consists of the members of the Judicial Council of the Seventh Circuit and Chief District Judge Baker have approved the amendments to the Speedy Trial Act Plan for the Central District of Illinois as transmitted in your letter to me of May 24, 1988.

Sincerely,  
s/ Collins Fitzpatrick

*U1*  
Collins T. Fitzpatrick  
*(name)*

cc: Chief Judge William J. Bauer  
Chief District Judge Harold A. Baker  
Thomas F. Strubbe, Clerk of Court of Appeals

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK

CENTRAL DISTRICT OF ILLINOIS

P. O. BOX 315

SPRINGFIELD, ILLINOIS 62705

PHONES:  
(217) 492-4020  
FTS: 955-4020

JOHN M. WATERS  
CLERK

May 24, 1988

Mr. Collins Fitzpatrick  
Circuit Executive  
Judicial Council of the  
Seventh Circuit  
219 South Dearborn Street  
Chicago, IL 60604

Dear Mr. Fitzpatrick:

Enclosed is an amendment to the Plan for Prompt Disposition of Criminal Cases. Please present this amendment to the Circuit Council for approval as soon as possible.

Sincerely,  
s/ John M. Waters

JOHN M. WATERS  
CLERK OF COURT

Enclosure

## JUDICIAL COUNCIL OF THE SEVENTH CIRCUIT

219 SOUTH DEARBORN STREET  
CHICAGO, ILLINOIS 60604COLLINS T. FITZPATRICK  
CIRCUIT EXECUTIVE  
PHONE (312) 435-5803

RECEIVED

JUN 18 1985

U.S. CLERK'S OFFICE  
SPRINGFIELD, ILLINOIS

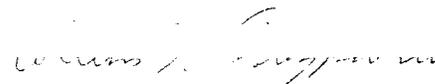
June 13, 1985

Mr. John M. Waters  
Clerk of District Court  
Central District of Illinois  
254 Federal Building  
100 N.E. Monroe  
Peoria, Illinois 61602

Dear Mr. Waters:

The Judicial Council of the Seventh Circuit has approved the amendment to the Plan for Prompt Disposition of Criminal Cases for the Central District of Illinois which provides for an additional ten days for the preparation of the presentencing report.

Sincerely,

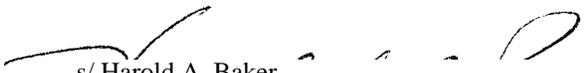
  
Collins T. Fitzpatrickcc: Chief Judge Walter J. Cummings  
Chief District Judge Harold A. Baker  
Thomas F. Strubbe, Clerk of Court of Appeals  
John P. Meyer, Chief U.S. Probation Officer

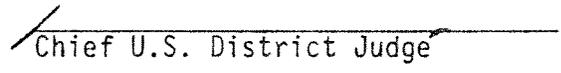
Amendment to Plan for Prompt Disposition of Criminal Cases  
for the Central District of Illinois

Page 17, paragraph two is amended to read:

8. Time Within Which Defendant Should be Sentenced.

(a) Time Limit: A defendant shall ordinarily be sentenced within 50 days of the date of conviction or plea of guilty or nolo contendere.

  
s/ Harold A. Baker

  
Chief U.S. District Judge

  
s/ Michael M. Mihm

U.S. District Judge

or information pursuant to Section 4(d), the 30-day minimum period shall also be determined by reference to the earlier indictment or information. When prosecution is resumed on an original indictment or information following a mistrial, appeal, or withdrawal of a guilty plea, a new 30-day minimum period will not begin to run. The court will in all cases schedule trials so as to permit defense counsel adequate preparation time in the light of all the circumstances.

8. Time Within Which Defendant Should be Sentenced.

~~(a) Time Limit. A defendant shall ordinarily be sentenced within 45 days of the date of his conviction or plea of guilty or nolo contendere.~~

(b) Related Procedures. If the defendant and his counsel consent thereto, a presentence investigation may be commenced prior to a plea of guilty or nolo contendere or a conviction.

9. Juvenile Proceedings.

(a) Time Within Which Trial Must Commence. An alleged delinquent who is in detention pending trial shall be brought to trial within 30 days of the date on which such detention was begun, as provided in 18 U.S.C. § 5036.

(b) Time of Dispositional Hearing. If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than 20 court days after trial, unless the court